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STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS (ARCHITECT'S SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ARCHITECT OF ROBERT F. STAUBER,
RESPONDENT, (A-2208)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The above entitled proceeding having been heard by the Architects' Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors on February 18, March 2 and April 14, 1976, pursuant to notice of hearing containing the issues involved and charges to be considered, duly served upon the respondent, Robert F. Stauber, and respondent having filed answer and having appeared in person and by his attorney, Charles W. Giesen, and the Architects' Section of the Examining Board, represented by Gordon Samuelson, Assistant Attorney General, having heard the evidence presented by Kevin J. Lyons, attorney for complainant, City of Madison, in support of said charges, and the evidence presented by respondent, in opposition thereto, and the Board having taken a view of the premises on April 30, 1976, and having considered the pleadings, testimony, exhibits, arguments and proceedings herein, hereby makes and files its findings of fact, conclusions of law and order, constituting its decision in this matter.

FINDINGS OF FACT

1. That Robert F. Stauber, respondent, whose address is 4534 Jenewein Road, Madison, Wisconsin, is, and was at all times hereinafter mentioned, duly registered by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors under the provisions of Section 443.01, Wisconsin Statutes, as an architect, Certificate No. A-2208,

2. That respondent in 1972 under agreement with Holiday Homes and Associates, a partnership, prepared as an architect and sealed plans for a conditional use planned residential development known as Holiday Gardens, located at 2402 Independence Lane, Madison, Wisconsin, and was responsible for supervision of construction of said project,

3. That the City of Madison, its Plan Commission and its Planning Department reviewed, conditionally approved and later certified such plans as in compliance and issued permits for construction and for occupancy of buildings in Holiday Gardens and made repeated inspections of such project from 1974 to the time of this proceeding; that although the buildings in Holiday Gardens are occupied and in use, the project at the time of hearings herein was not entirely completed nor was a certificate of completion filed.

4. That the respondent architect made changes during the construction of the Holiday Gardens project which deviated from his plans as approved by the City Planning Commission, without obtaining prior approval thereof:

- a. Retaining walls were added and omitted in disregard of the approved plans because existing site conditions made such changes necessary;

- b. Earthwork was done in some areas in disregard of the approved plans but such changes were within the expected and normal variation in regard to existing conditions;
- c. Changes in steps at entrances and along sidewalks were made as required by existing conditions and such changes were reasonable and acceptable;
- d. Sidewalks added, omitted or relocated were changes within normal allowable site variations;
- e. Sidewalks crossing drainage swales and changes in sidewalks on site are not shown to be inadequate to existing conditions;
- f. Backfilling, grading as affecting drainage and coverage of foundations with fill are in general conformity with the plans and existing variations are within normal limits;
- g. Slopes in areas adjacent to buildings and entrances to underground parking are in general conformity with the plans, and variations are normal in accepted architectural practice;
- h. Proposed tree islands within the parking areas have been paved over and others have been left open without curbs; that such deviations from the approved plans are minor;
- i. Bike racks located within the parking area although not shown on the plan are an improvement and are not shown to be within the contractual responsibility of respondent;

j. Trash dumpsters located within the parking areas although not shown on the plan are an improvement and are not shown to be within the contractual responsibility of respondent;

k. Plant materials added, omitted, relocated or substituted without regard to the approved plan are not shown to be within the area of contractual responsibility of respondent;

l. Electric and telephone mechanical structures are agreed not to be within the area of responsibility of respondent.

5. That some of the discrepancies between the ten buildings in the 301 unit project as built and the plans as approved resulted from changes in the floor elevations of the buildings resulting from an error in the topographic survey, and that respondent failed to inform the plan approving authorities of the elevation changes and of other on site changes made.

6. That the plan approving authorities were remiss in maintaining the accepted and usual communication with respondent or the builder and owner in respect to alleged plan variations or alleged ordinance violations.

CONCLUSIONS OF LAW

1. The evidence does not establish any violation of the ordinance of the City of Madison, alleged in the complaint as amended, in effect at the time the changes were made in the Holiday Gardens project from the plans as previously approved.

2. The evidence does not establish a violation of statutes or examining board rules, except s. 443.01(13)(a)4, Stats., and rule A-E 4.003 (1)(a), Wis. Adm. Code, in that the conduct of respondent in failing to inform and to maintain communication with plan approving authorities in respect to changes in floor elevations of the buildings in the Holiday Gardens planned residential development and consequent alterations in the project at variance with the plans approved is contrary to the duty owed by an architect to his client and to the public under the circumstances presented.

ORDER

IT IS ORDERED that the respondent, Robert F. Stauber, be and he hereby is reprimanded.

Dated this 15th day of July, 1976.

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

By



C. F. Hurc, Secretary

STATE OF WISCONSIN

Before the Examining Board of Architects, Professional
Engineers, Designers and Land Surveyors (Architects
Section)

Rec'd +
filed 11-21-75
C. F. Huse

In the matter of the Architects'
License of Robert F. Stauber,
Respondent (A 2208)

COMPLAINT

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CHARLES R. DINAUER, Planning Director of the City of Madison,
being first duly sworn, on oath hereby complains on behalf of the City
of Madison that he is informed and believes that:

1. The City of Madison is an incorporated Municipality with the State of Wisconsin;
2. That the Post Office address of the City of Madison is 210 Monona Avenue, Madison, Wisconsin 53709;
3. On information and belief, that Robert F. Stauber, herein-after the Respondent, whose last known address is 620 N. Carroll Street, Madison, Wisconsin 53703, is, and was at all times hereinafter mentioned, duly licensed by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, pursuant to the Provisions of Chapter 443, Wisconsin Statutes as an Architect, Certificate No. A 2208;
4. On information and belief that prior to and/or during 1972 Respondent prepared, or had prepared under his supervision, plans for a conditional use Planned Residential Development known as "Holiday Gardens", located at 2402 Independence Lane in Madison, Wisconsin and that Respondent subsequently approved and sealed said plans;
5. That the City Plan Commission on August 14, 1972, conditionally approved said plans and whereas these plans were subsequently certified as being in compliance with the required conditions by various city agencies between August 30, 1972 and May 7, 1973;
6. That foundation permits, building permits and other related permits were issued on June 14, 1973 and thereafter for construction of said Planned Residential Development; and further that site improvements were thereafter undertaken and subsequently completed;
7. On information and belief that these improvements were under the direct supervision of Respondent;
8. That field inspections in late September and early October of 1974 by the City Planning Department and Zoning Administrator revealed substantial deviations from the plans as approved by the Plan Commission; more specifically:
 - a. Retaining walls were added and omitted with complete disregard of the approved plans;
 - b. Earthwork in some areas was done with complete disregard of the approved plans;

- c. Steps have been incorporated at entrances to the buildings as well as within sidewalks at locations not shown on the approved plans. Further, step construction and details are hazardous;
- d. Sidewalks have been added, omitted and relocated in violation of the approved plans;
- e. Sidewalks crossing drainage swales are of inadequate design and do not appear to be functional. Also, on site changes to correct this situation are not adequate to handle the flow of water. It does not appear that this problem was considered in the preparation of the plans;
- f. Backfilling in many areas was not pre-planned, hence the grades are too steep causing poor drainage and inadequate coverage of the foundation;
- g. Excessively steep slopes have been created in many areas adjacent to buildings particularly adjacent to the entrances to the underground parking;
- h. Proposed tree islands within the parking areas have been paved over; others that have been left open are without curbs;
- i. Bike racks have been located within the parking area where none were shown on the approved plan;
- j. Trash dumpsters have been located within the parking areas where none were shown on the approved plan;
- k. Plant materials have been added, omitted, relocated, or substituted with disregard for the approved plan;
- l. While no electric or telephone mechanical structures were shown on the approved plan, they are conspicuously present throughout the site.

9. That a field inspection on July 25, 1975, indicated that 158 plants specified on the approved landscape plan had not been planted.

10. That Robert F. Stauber admitted at the Plan Commission Meeting of November 11, 1974, that the floor elevations of buildings had been changed due to an error in the topographic survey without notification or consultation with the Planning Department thus resulting in some of the above inconsistencies between final development and the officially approved plans.

11. That the apparent discrepancies between the approved plans and the actual construction, both phases being under the direct supervision of the Respondent, demonstrate a need for the architect's section of the Examining Board to investigate further and to hear evidence relevant to matters cited herein and to determine whether Respondent's acts constitute violation of the rules of conduct created for architects under the authority set forth in the Wisconsin Statutes and the Wisconsin Administrative Code.

12. That complainant is making this complaint pursuant to authorization granted by the City of Madison Common Council on January 14, 1975 by Resolution No. 27,274, File No. 225-74.

WHEREFORE, complainant demands that the architect's section of the Examining Board investigate the allegations contained herein further and hear evidence relevant to matters recited herein and determine whether Respondent's acts constitute violation of the Rules of Conduct created for architects under authority set forth in the Wisconsin Statutes and the Wisconsin Administrative Code and, if said rules have been violated by Respondent, complainant prays that said Examining Board institute appropriate disciplinary action.

Dated at Madison, Wisconsin this 19 day of November, 1975.



Charles R. Dinauer
City of Madison Planning Director

STATE OF WISCONSIN)
COUNTY OF DANE) ss.

CHARLES R. DINAUER, being first duly sworn on oath deposes and says that he is the Planning Director for the City of Madison and the complainant above-named; that he has read the foregoing complaint and knows the content thereof, and that the same is true to his own knowledge except as to those matters therein alleged on information and belief, and as to those matters he believes them to be true.



Charles R. Dinauer

Subscribed and sworn to before me
this 19th day of November, 1975.



James M. Voss, Notary Public
State of Wisconsin
My commission is permanent.